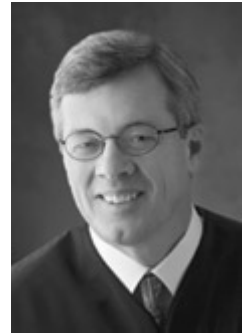


### **Honorable David M. Connors – District Court Judge**

Serving Davis, Morgan and Weber counties



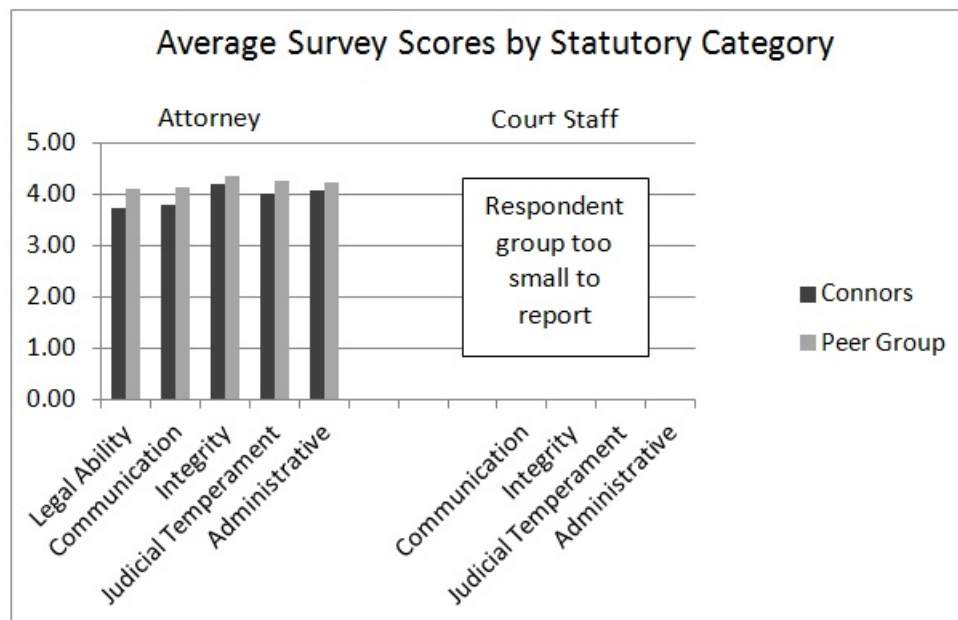
The commission recommends by a vote of 12 - 0  
TO RETAIN Judge David Connors

Judge David Connors is a relatively new judge who has shown improvement in many areas since his midterm evaluation. Attorneys described him as calm, considerate and intelligent but scored him below the average of other district court judges in the five statutory survey categories. Some described him as indecisive. Fifty-three of the 63 attorneys (84%) who answered the retention question recommended that Judge Connors be retained. Four of five courtroom observers noted Judge Connors' respectful and courteous behavior, the quiet and efficient atmosphere of his courtroom, and his preparation for each case.

The commission reviewed surveys and courtroom observation reports in addition to verifying that Judge Connors has met all time standards, judicial education requirements, and discipline standards established by the judicial branch.

Judge David M. Connors was appointed by Governor Huntsman in 2008. Judge Connors received his undergraduate degree from Yale University and his law degree from Brigham Young University Law School, where he was a member of the Law Review and graduated magna cum laude in 1979. Prior to his appointment, Judge Connors was a litigation partner in the Utah office of several major law firms. Judge Connors has served as a board member of the Wasatch Front Regional Council, Davis County Council of Governments, Davis Education Foundation, and several other charitable organizations. He is a past chairman of the Business Law Section of the Utah State Bar and previously served as Mayor of Farmington City.

**This judge has met the minimum performance standards established by law.**



## Survey Overview

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Attorneys, court staff and jurors were surveyed about the judge's performance. Survey categories included questions about the judge's legal ability, judicial temperament, integrity, communication skills, and administrative skills. Summarized results for all applicable respondent groups appear below. A judge must score a 3.0 on 80% of the individual questions to pass the minimum performance standard.

### A. Attorney Survey Overview:

Total Respondents: 65

1. "Should this judge be retained?"

Response*	Number	Percent of Total
YES	53	84%
NO	10	16%

\*2 Respondent(s) did not answer the retention question

2. Statutory Category Scores:

Attorney	Connors	Peer Avg	% of Peer
Legal Ability	3.74	4.11	91%
Communication	3.81	4.13	92%
Integrity	4.21	4.35	97%
Judicial Temperament	4.02	4.27	94%
Administrative	4.09	4.24	96%

3. Average trials before this Judge: 2

4. Area of primary practice:

Collections: 3   Domestic: 29   Criminal: 31   Civil: 30   Other: 2

### B. Court Staff Survey Overview: Respondent group too small to report

### C. Juror Survey Overview: Respondent group too small to report

## Survey Scores

### Attorney Survey Scores:

Below are listed: 1) the attorney survey questions; 2) a checkmark to show that the judge met or exceeded the statutory “pass” of 3.0, or an “x” to indicate the judge scored below 3.0 on that question; 3) the judge’s average score on each question; 4) the average score on each question of all judges on the same level of court; and 5) the judge’s average score as a percent of the peer group average score.

A judge must receive an average score of at least 3.0 on 80% of the questions to meet minimum performance standards.

Attorney Question	Statutory Pass: 3.0	Connors	Peer Avg.	% of Peer Avg.
The Judge makes sound rulings.	✓	3.60	4.01	90%
The judge properly applies the rules of civil procedure.	✓	3.90	4.14	94%
The judge properly applies the rules of criminal procedure.	✓	3.52	4.14	85%
The judge properly applies the rules of evidence.	✓	3.72	4.12	90%
The judge's sentencing fits the offenses.	✓	3.50	4.01	87%
The judge makes appropriate findings of facts.	✓	3.61	4.07	89%
The judge appropriately applies the laws to the facts.	✓	3.64	4.06	90%
The judge follows legal precedent.	✓	3.80	4.12	92%
The judge only considers evidence in the record.	✓	3.79	4.08	93%
The judge's written decisions are clear and logical.	✓	3.79	4.09	93%
The judge's written opinions offer meaningful legal analysis.	✓	3.78	4.06	93%
The judge was fair and impartial.	✓	4.10	4.21	97%
The judge avoids impropriety and the appearance of impropriety.	✓	4.36	4.41	99%
The judge avoids improper ex parte communications.	✓	4.37	4.49	97%
The judge's behavior demonstrated equal treatment of all persons or classes of persons.	✓	4.14	4.36	95%
The judge appears to consider both sides of an argument before rendering a decision.	✓	4.09	4.26	96%
The judge holds attorneys accountable for inappropriate conduct.	✓	3.35	3.97	84%
The judge's oral communication while in court is clear and logical.	✓	3.84	4.26	90%
The judge promotes public trust and confidence in the courts through his or her conduct on the bench.	✓	3.95	4.29	92%
The judge respects the time of the participants and understands the personal and financial costs they may be incurring.	✓	3.92	4.15	95%
The judge is prepared for argument and hearings.	✓	4.09	4.29	95%
The judge treats all attorneys with equal courtesy and respect.	✓	4.33	4.39	99%
The judge rules in a timely manner.	✓	4.09	4.24	97%
The judge realistically manages his or her calendar.	✓	4.11	4.20	98%
The judge convened court without undue delay.	✓	4.06	4.28	95%
The judge provides the parties due process; namely, advance notice of issues to be heard an adequate opportunity to prepare and a meaningful opportunity to be heard.	✓	4.12	4.32	95%
The judge acts to ensure that linguistic/cultural differences or disabilities do not unfairly limit access to the justice system.	✓	4.33	4.48	97%

## Adjective Summary

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Survey respondents were asked to select adjectives that best described the judge. Results are shown from each respondent group. The adjectives highlighted in green are “positive” adjectives, while those in red are “negative.”

D. Connors	
<b>Attorney</b>	
Attentive	24
Calm	32
Confident	13
Considerate	32
Consistent	7
Intelligent	31
Knowledgeable	22
Patient	31
Polite	28
Receptive	16
Arrogant	2
Cantankerous	1
Defensive	4
Dismissive	5
Disrespectful	2
Flippant	0
Impatient	3
Indecisive	8
Rude	2

Positive	236
Negative	27
Positive	90%

## REPORT OF COURTROOM OBSERVATIONS FOR JUDGE DAVID CONNORS

Five observers wrote 62 codable units that were relevant to 15 of the 17 criteria. Three observers reported that the judge was not aware that JPEC observers were present (two did not comment).

### Overview

WIDELY AGREED-UPON THEMES	<ul style="list-style-type: none"> <li>Four observers particularly noted Judge Connors' concern for the best interests, needs and rights of defendants in their particular circumstances, his respectful and courteous behavior, and his quiet and efficient courtroom atmosphere. They also noted Judge Connors' unhurried efficiency, and that he was very well-informed about and well-prepared for each case.</li> <li>Four observers reported that they would feel comfortable appearing before Judge Connors. One observer would feel comfortable as a prosecutor but not as a defendant.</li> </ul>
MINORITY OBSERVATIONS	<ul style="list-style-type: none"> <li>Three observers reported that Judge Connors' brevity of speech with defendants may have had a deleterious effect on the appearance of respect and the adequacy of his explanations of his decisions.</li> </ul>
ANOMALOUS COMMENTS	<ul style="list-style-type: none"> <li>One observer was alone in expressing critical comments in several areas (see "Respectful behaviors generally", "Expresses concern for the individual", "Considered voice" and "Ensures information understood").</li> </ul>

<i>Numerical ratings:</i>	<i>Observer 1</i>	<i>Observer 2</i>	<i>Observer 3</i>	<i>Observer 4</i>	<i>Observer 5</i>
Neutrality	5	4	4	4	3
Respect	5	4	4	4	3
Ability to earn trust	4	4	4	4	2.5
Skill at providing voice	4	4	4	4	2

### Summary and *exemplar language* of five observers' comments

<i>RESPECTFUL BEHAVIORS</i>	
Listening & focus	Two observers reported that Judge Connors <i>listened attentively</i> with <i>full attention</i> , repeating questions to show he had heard the speaker.
Well-prepared & efficient	<p>Three observers reported that Judge Connors demonstrated through his questions that he was very well informed about and very well-prepared for every case. Two observers noted his <i>administrative efficiency was exemplary</i>.</p> <p>However one observer concluded from the amount of time Judge Connors spent <i>looking at his computer screen</i> that this may have indicated that he was <i>not as prepared as he could have been</i>.</p>
Respect for others' time	One observer reported that in contrast to other courtrooms, Judge Connors apologized for and explained the reason for a short delay in starting the session (to allow time for those attending a Judge's funeral to return to court).
Respectful behavior generally	<p>Two observers reported that Judge Connors displayed appropriately respectful demeanors, such as a <i>neutral expression when speaking of facts</i>, <i>intense eye contact</i> and <i>upraised eyebrows</i> when asking questions, and listening respectfully to an attorney with a speech impediment.</p> <p>However one observer noted that Judge Connors did not acknowledge or address defendants directly, and <i>often talked about the defendants as if they were not there</i>. This observer <i>knows this is not required ... but I would appreciate being recognized if I stood before him</i>.</p>

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### RESPECTFUL TONE

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Courtesy, politeness and patience	Four observers reported that while Judge Connors was firm, he always listened <i>patiently</i> and <i>politely</i> , and one observer noted he responded to defendants <i>calmly and respectfully</i> .
Courtroom tone & atmosphere	Four observers reported that Judge Connors maintained a <i>quiet, serious and efficient</i> atmosphere, at one point asking negotiating parties to “ <i>take care of that outside the courtroom.</i> ” Descriptions of his demeanor ranged from <i>amiable, calm and focused</i> to <i>quite reserved, even cool</i> .
Body language	Two observers spoke approvingly of Judge Connors’ appropriate body language and consistent eye contact whenever speaking with each person.

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### NEUTRALITY

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Consistent and equal treatment	<p>One observer noted how Judge Connors treated the attorney with the speech impediment in the same way as all other participants in the court, and one observer considered that <i>Judge Connors’ great strength was the appearance of neutrality, his consistency and fairness.</i></p> <p>Two observers reported that Judge Connors insisted on receiving additional factual information before ruling. In one case the attorneys appeared to consider this unnecessary, but the additional facts Judge Connors’ requested were found to be vital.</p>
Acts with concern for individual needs	Four observers gave many examples of actions taken out of concern for a defendant’s best interest or particular needs, e.g. allowing a mentally handicapped defendant to serve time out of state near his family, to hear a jail’s medical apparatus policy before deciding a sentence, to make clear that the judge considered his job was to protect a conservatorship ward’s interest rather her family’s, including minimizing the number of court appearances as he “ <i>was worried about the expenses mounting against the estate every time you come into court</i> ”.
Expresses concern for the individual	<p>Two observers reported that Judge Connors was <i>sincerely empathetic</i> where he was not able to act in the defendant’s best interest, e.g. when the law no longer allowed job search releases.</p> <p>However one observer gave two examples in which <i>everything was by the book</i> and Judge Connors was <i>only interested in statute</i>, and while Judge Connors took all reasonable steps in both defendant’s favor, the observer felt Judge Connors’ lack of expressed concern was <i>very unsatisfying</i> and a defendant was <i>clearly frustrated</i>, and this observer felt Judge Connors did not <i>take any interest in the ‘personal’ consequences of his decisions.</i></p>
Unhurried and careful	Three observers noted that Judge Connors <i>did not hurry anyone</i> and balanced <i>attention to detail</i> and careful listening as appropriate in a <i>fast paced</i> environment of <i>rapid fire controlled chaos</i> . One observer noted Judge Connors’ <i>thoroughness satisfied a man</i> that the judge’s decision was in the best interest of all parties.

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### VOICE

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Considered voice	<p>Four observers reported that Judge Connors <i>allowed sufficient time for the defense and prosecution to make their arguments, listened carefully to all, and encouraged</i> participants in court to speak.</p> <p>However one observer <i>was not impressed with this judge’s skill at allowing all parties to have a voice</i>. Specifically, <i>most defendants stood meekly by</i> while their attorneys spoke, and Judge Connors in general <i>gave more credence to the recommendations of the state</i>, in one case leaving a defendant unsatisfied by not asking to see documentation he had brought, <i>seemingly reluctant to entertain the possibility the man had a point.</i></p>
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COMMUNICATION

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Communicates clearly	Two observers reported that Judge Connors was very clear in his instructions and explanations.
Ensures information understood	<p>One observer noted that in one case Judge Connors <i>took some extra time</i> to ensure a defendant understood clearly the consequences of representing himself, and would not set a trial date until <i>the defendant acknowledged his comprehension and willingness to continue</i> to trial.</p> <p>However one observer noted that Judge Connors spoke very briefly, did not generally repeat or clarify, and while <i>Judge Connors nearly always asked the defendant if he had any questions I wondered sometimes if the defendant did or did not understand the proceedings ... His weakness may be not checking to see if the participants understood what just took place. Perhaps he assumes that the defendant's attorney will explain the proceedings.</i></p>
Provides adequate explanations	<p>Two observers reported that in three particularly difficult cases Judge Connors explained the <i>basis of his actions</i> or the reasons for his decision, and was <i>open, clear, and transparent about how the rules of law applied</i> to the cases.</p> <p>However, two observers noted that the brevity of Judge Connors' explanations precluded an understanding of how decisions were arrived at. One observer indicated that in one out of nine case observed Judge Connors did not explain the reason for his decision, and this observer felt <i>the defendant deserved more explanation of the reasons for the sentence.</i></p>

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